

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GREGORY LINGO	:	CIVIL ACTION
	:	
v.	:	
	:	
NVR, INC., et al.	:	NO. 07-cv-03892-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 13, 2008

By Memorandum and Order dated February 21, 2008, I entered a limited preliminary injunction preventing the defendants, until further order of this Court, from attempting to enforce certain portions of the "non-compete" agreements between plaintiff and defendants. Plaintiff has now filed a motion seeking to broaden the preliminary injunction, and the defendants have filed a motion to increase the injunction bond. Both motions will be denied.

It must be remembered that, at this juncture, we are concerned only with what relief is necessary and appropriate in advance of final hearing. I have concluded that plaintiff would suffer irreparable harm if defendant were permitted to interfere with plaintiff's ability to earn a livelihood. It may well be that, after final hearing, it will be clear that many other provisions of the non-compete agreements will be held unenforceable, but the need for immediate relief has not been shown. In the absence of further factual developments clarifying just what activities plaintiff desires to engage in, and what

proposed activities defendants object to, the Court is not in a position to render final decisions on these matters.

I conclude, further, that the limited injunction thus far granted is unlikely to be vacated at final hearing, and that there is very little likelihood of significant damage to the defendants even if that were to occur. Accordingly, the bond will not be increased.

An Order follows.

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ORDER

AND NOW, this 13th day of March 2008, IT IS ORDERED:

1. Plaintiff's motion to modify the preliminary injunction entered on February 21, 2008 is DENIED.
2. Defendants' motion to increase the amount of the injunction bond is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.